

**Ravalli County Planning Board
Meeting Minutes for July 19, 2006
3:00 p.m.
Commissioners Meeting Room, 215 S. 4th Street, Hamilton, Montana**

Public Hearing

Gunshy Ridge III (Bitterroot Valley Development, LLC) Major Subdivision and One Variance Request

Hidden View Estates Major Deviation (Kearns)

Centennial Lot 17, AP (K&J Development) Major Subdivision and One Variance Request

East End Lot 1, AP (Kwapy) Major Subdivision

Castle Heights (Greer) Minor Subdivision

This is a summary of the meeting, not a verbatim transcript. A CD of the meeting may be purchased from the Planning Department for \$5.00.

1. Call to order

Chip called the meeting to order at 3:00 p.m.

2. Roll Call (See Attachment A, Roll Call Sheet)

(A) Members

Mary Lee Bailey (absent – excused)

Dale Brown (present)

Ben Hillicoss (present)

Dan Huls (absent – excused)

JR Iman (present)

Chip Pigman (present)

Les Rutledge (present)

Lori Schallenberger (present)

Gary Zebrowski (present)

Park Board Representative: Bob Cron (present)

(B) Staff

Laura Hendrix

Benjamin Howell

John Lavey

James McCubbin

Shaun Morrell

Tristan Riddell

Renee Van Hoven

Jennifer De Groot

3. Approval of Minutes

Chip asked if there were any corrections or additions to the minutes from June 28, 2006. There were none. The minutes were approved.

4. **Special Request: Discussion with Commissioner Thompson and Commissioner Lund about US Highway 93 Corridor Zoning**

Commissioner Betty Lund noted that the Commissioners discussed possible zoning the previous day and asked for the involvement of the Board.

Commissioner Alan Thompson thanked the Board for their service to the community and said that although he did not want to overload the Board, the Commissioners had talked with the County Attorney about zoning in the Highway 93 Corridor. He noted that John Horwich and students from the University of Montana had received public feedback about what they wanted from zoning in the Highway 93 corridor. He asked the Board to look at the report and think about what they feel can and should be done. He noted that he and the other Commissioners are torn over the issue and do not know if the County is in an emergency. He asked the Board to consider design standards, setbacks, commercial, residential, and agricultural use, accesses, and signage. He said that extending the Highway 93 corridor to a mile on each side was excessive, but asked the Board Members for their thoughts. He also asked the Board if they believed the area of zoning should extend from Florence to Hamilton or farther south. (See Attachment B, Ravalli County Public Meetings on Land Use in the Highway 93 South Corridor)

Chip asked if the County Commissioners were looking at any activity in the zone or were focusing on commercial.

Commissioner Lund said they were looking at all activities.

Commissioner Thompson said that some places along the highway are setback from the road and are nicely landscaped, while others are not.

Les said that MCA 76-2-206 does not state that an emergency has to be present for interim zoning, but allows municipalities to create maps as an emergency measure.

Commissioner Thompson said he would give the Board George Corn's memo on the matter. He said that John Horwich indicated that if the Board did something on an interim basis, it would only maintain the status quo.

Gary said that zoning the Highway 93 Corridor is a large, long effort. He said that interim zoning requires quick action in his mind.

JR said that since Highway 93 is expanding in some parts, the corridor is going to look worse before it looks better.

Commissioner Thompson gave some examples of where the Montana Department of Transportation purchased land from owners along Highway 93 for the expansion and they had to tear down their buildings to make room for the road. He noted that there is nothing in place to tell property owners how far a setback should be or if they can reconstruct businesses there; he said that displaced business owners have the right to reopen their businesses.

Ben said that many residential subdivisions were approved in Florence over the past few years, especially along Highway 93. He said that as the population grows in the area, there will be a larger demand for commercial businesses along Highway 93, although most of what is being built now is residential. He said that could potentially create a conflict between commercial and residential districts.

5. **Amendments to the Agenda**

There were none.

6. **Correspondence**

There was none.

7. **Disclosure of Possible/Perceived Conflicts**

There were none.

8. **Public Hearing**

(A) **Gunshy Ridge III (Bitterroot Valley Development, LLC) Major Subdivision and One Variance Request**

- (i) Staff Report on the Subdivision Proposal: **John Lavey** gave a PowerPoint presentation. He gave an overview of the proposal and stated Staff recommended denial of the variance and approval of the subdivision subject to nine conditions in the Staff Report. He entered the Staff Report into the record. (See Attachment C, Gunshy Ridge III Staff Report)

- (ii) Three Minute Rule Waivers

There were none.

- (iii) Public Comment on the Subdivision

- (a) Persons in Favor

Gordon Sorenson of Gordon Sorenson Engineering handed the Board pictures of the area where a no-build/alteration zone was recommended by Staff and stated that he has seen the area during all seasons throughout seven years and has never seen water in the area. (See Attachment D, Gunshy Ridge III Draw along Easterly Edge) He noted there is no defined channel in the draw and it is heavily grown over with grass. He noted the draw only drains 250 acres. He asked for the deletion of Condition 9 so that the property owners could put an outbuilding down there. He asked if Condition 9 is removed, that the Notifications to Future Property Owners be amended to allow utility lines to outbuildings. He requested that the Notification of Proximity to Eight Mile Creek be removed since it is over 1,000 feet away. He noted that the unnamed intermittent creek is small and drains a very small land area. He requested that the RSID/SID waiver in Condition 2 be altered to state that the developer could be reimbursed for some pro-rata if a SID district were ever created. He requested that the landowners be able to place fences in the bench area. He stated that he applied for the variance because the County's Subdivision Regulations require it. Further, he said that final DEQ approval hinges on comments from this Board meeting. He said that applying for DEQ Circular 8 is time consuming, work intensive, and adds to the burdens of the developer. He asked the Board to consider approving the variance.

Cal Christian, an attorney with Christian, Samson, Jones & Chisholm, PLLC, said that at first he thought the request from the Florence-Carlton School District for over \$5,000 per lot was tantamount to an impact fee and noted that the County had not created impact fees. He said that the TischlerBise study indicated that school impact fees should be pursued, but noted that both the Missoula and Ravalli County Commissioners would have to unanimously agree on school impact fees for the Florence-Carlton School District. He said that James noted the County was just taking donations as mitigation for impact on local services as provided in MCA 76-3-608. He said that he is not arguing about paying the customary fee of \$150 to \$200. He noted that MCA 76-3-510 discusses payment of extension of capital facilities and noted that local governments cannot require payment for construction or extending capital facilities for education.

(b) Persons Opposed

There were none.

(c) Rebuttal

There was none.

(d) Close: Public Comment

(iv) Board Deliberation on the Variance Request

(a) Board discussion and questions

Les asked Gordon to explain drainage plans for the subdivision.

Gordon explained the road construction and retention ponds to manage storm water.

Les asked how the plans would differ if the developer went through DEQ Circular 8.

Gordon said they would have to create larger retention ponds and go through a lot more work.

Dale said he worked on Riley Lane in the same area and never saw any water in the retention ponds during rains.

Gordon said that he has mitigated the area for a 100-year storm and that for normal circumstances, it will work.

Ben asked what the developer was requesting in the variance.

Gordon said he is asking the Board to allow DEQ's approval to stand and not make him submit full plans through the County's Road Department. He noted that he has used an abbreviated application to DEQ for several years and has not had to do a full DEQ Circular 8 application. He said that the process adds chore, expense, and time. He noted that the amended Subdivision Regulations

require DEQ Circular 8, but they also say that DEQ has final approval on the issue.

Ben said this should have been addressed when the Subdivision Regulations were created. He noted that if they approve it for him, they approve it for everyone. He said that the regulations should be changed, but not in a Planning Board meeting. He asked James' opinion on the matter.

James said the Board should review it based on the variance criteria.

Chip asked Gordon if he has to satisfy DEQ for water issues.

James said he did not think that the Subdivision Regulations require submitting the information to DEQ for approval, but said storm water mitigation has to be constructed in accordance with DEQ regulations.

Renee noted that the Road Department reviews what is required in DEQ Circular 8.

Gordon read Subdivision Regulation Section 3-2-16, (c) (1). He said that if DEQ approves the application, they should be exempt from the regulation.

Chip asked Gordon if the Subdivision Regulations require more than DEQ requires.

Gordon said it does and noted that in order to receive the DEQ permit, they are just waiting on comments from the Board. He said that DEQ has verbally approved the application.

Chip said he did not understand how a no-build/alteration zone could be proposed if wells were proposed in the same area.

John said that the condition exempts wells.

Gordon emphasized that the no-build/alteration zone would reach all the way to Jenne Lane.

Renee suggested that the Board condition in a no-build zone, which would allow for outbuildings.

John said that the County's Floodplain Administrator asked that all structures be above the bench.

Gordon said that he thinks this is a case of over-cautiousness and noted that lot size is significantly reduced if the bench area is restricted by a no-build/alteration zone.

Lori said that Laura indicated that Eight Mile Creek was 25 vertical feet and 435 horizontal feet away from the subdivision.

Ben said that some of the land is marked severe soils up to Jenne Lane.

Gordon said that the soil is all sandy, gravel loam.

Ben asked if Gordon would be happy as long as he could have outbuildings, but not residential dwellings. He asked why they could not have overhead power lines.

Gordon said that the covenants restrict overhead power lines.

Lori asked who reviews the DEQ Circular 8 submittal.

Gordon said that WGM Group in Missoula does.

Ben asked Laura the purpose of the no-build/alteration zone.

Laura Hendrix said that the floodplain in that area is not determined, but the USGS topographic maps show that there is a perennially flowing stream. She explained that there could be adverse impacts on downstream neighbors.

Gordon said that there is no way for enough floodwater to accumulate to become a hazard. He said it would be a hardship to the landowner to have this restriction placed and it would be the taking of a property right. He said that it was his sincere opinion that there was no basis for a no-build zone based on flood hazards. He did note that a severe flood in the area was a possibility.

Ben asked if he thought sheds, garages, or barns would be fine in the bench.

Gordon said he believed so.

Laura said she stands by her recommendation due to potential adverse impacts. She noted that any time infill or development structures are placed on a property, it can increase the Base Flood Elevation and increase flooding for downstream property owners.

JR asked how the area could be floodplain since it is 35 feet above Eight Mile Creek.

Laura noted that all drainages have floodplains.

Lori asked for some education from Laura to help the Board with floodplain issues. She also asked Gordon if the study he submitted to DEQ provides for storm water safety.

Gordon said it did.

Ben said he was concerned because the Board would be disagreeing with the regulations, when they are supposed to be applying them.

Chip said that the only timely solution the applicant has is to bring the issue before the Board.

Ben recommended denial of the variance.

No Board Member seconded the motion so it died.

Lori recommended approval of the variance request, based on the findings from the Staff Report and based on the developer's presentation that they can satisfy DEQ requirements.

Dale seconded the motion.

(b) Board action

(1) Review of the Variance Request against the Five Criteria

1. The granting of the variance will not be substantially detrimental to the public health, safety, or general welfare or injurious to other adjoining properties.

Six Board Members agreed; one disagreed.

2. The conditions on which the request for a variance is based are unique to the property on which the variance is sought and are not applicable generally to other property.

Four Board Members agreed; three disagreed.

3. Physical conditions, such as topography or parcel shape, prevent the applicant from meeting the strict letter of these regulations. These conditions shall not result from the past actions of the land's current or previous owner(s).

One Board Member agreed; six disagreed.

4. The variance will not in any manner vary the provision of the zoning regulations or the Growth Policy.

Six Board Members agreed; one disagreed

5. The variance will not cause a substantial increase in public costs.

All Board Members agreed.

(See Attachment E, Gunshy Ridge III Variance Request Five Criteria Review)

(2) Board Decision

The vote was called; the members voted (6-1) to approve the Variance. (See Attachment F, Gunshy Ridge III Variance Vote Sheet)

(v) Board Deliberation on the Subdivision Proposal

(a) Board discussion and questions

Lori motioned to approve the subdivision with a the modification that a no-build zone for residential structures be shown on the final plat on the area from the plateau of the bench northeast of Jenne Lane, to keep the 25% slope area as a no-build/alteration zone, and to allow the developer to be credited for any pro-rata payments if an RSID is established. She also motioned for a donation of \$200 per lot to the Florence-Carlton School District and \$500 per lot to the Florence Rural Fire District.

Gary seconded the motion.

Dale said that the two bond issues for Florence Schools did not pass, although the maintenance levy did.

Cal Christian said he could not dictate how other people vote on bond issues, but noted with more building in the area, more taxes are available for the schools. He said he believed the school donation required should be in line with previous donations.

Lori amended her motion to remove the notification that future homeowners purchase floodplain insurance.

Ben said he was concerned about giving a credit for pro-rata paid because the pro-rata might have already been spent on other improvements. He noted that if an RSID is established for trails or to pave the road, the pro-rata might have been used for something completely different on the same road or in the area.

James said that the improvement district waiver also covers sewer and water systems that would not be related to roads.

Lori amended her motion to say that if pro-rata is used for the same reason as a RSID, the developer should get credit for pro-rata payments paid.

Ben asked if there were any trails proposed for the subdivision and noted there was an effort to get a trail system between Jenne Lane and Eight Mile Creek Road. He noted that the Board often asks for trails in major subdivisions, especially where they could be connected to other trails in the area.

Gordon said the issue never arose before. He said he did not see a reason to create a trail that would not connect with others. He said he could reserve a right-of-way for trails.

Ben said that kids will have to walk down the road to the school bus stop.

Chip asked if there was enough room for a trail and road in the 60-foot easement required.

Gordon said he could provide for a 15-foot easement for a trail system to go up Boyce, up Winter Place and then up Molly Lane. He noted that from Jenne Lane to Molly Lane is a 25% slope.

Lori amended her motion to include a 15-foot wide easement separate from the road easement to be dedicated on the final plat for a trail system.

Ben asked if the Park Board accepted the offer of cash-in-lieu of parkland.

Bob answered that they did.

John restated the motion with the change of a \$250 per lot donation to the School District.

Les noted that as the Board discussed before, that area faces the lack of timely responses by law enforcement and medical personnel.

(b) Board action

(1) Review of Subdivision Proposal against the Six Criteria

The Board did not review the Six Criteria beyond their discussion and findings with the Staff Report.

(2) Board Decision

The vote was called; the members voted (7-0) to approve the Subdivision. (See Attachment G, Gunshy Ridge III Subdivision Vote Sheet)

The Board took a five minute break.

(B) **Hidden View Estates Major Deviation (Kearns)**

- (i) Staff Report on the Major Deviation from Subdivision Approval: **John Lavey** gave a PowerPoint presentation. He gave an overview of the proposal and stated Staff recommended approval of the deviation subject to 4 conditions in the Staff Report. He entered the Staff Report into the record. (See Attachment H, Hidden View Estates Major Deviation Staff Report)

(ii) Three Minute Rule Waiver Requests

There were none.

(iii) Public Comment on the Subdivision

(a) Persons in Favor

Leonard Shepherd of Shepherd Surveying said that he could have anticipated this, but the lot was severely cramped as a building site so they decided to change the layout. He noted he had not previously received a copy of the Staff Report.

(b) Persons Opposed

There were none.

(c) Rebuttal

There was none.

(d) Close: Public Comment

(iv) Board Deliberation on the Subdivision Proposal

(a) Board discussion and questions

Les asked about access to the last proposed lot.

Leonard Shepherd answered that the road is paved and public. He noted that there is only one access for Lots 13 and 14.

Les motioned to approve the amended plat with a major deviation.

Lori seconded the motion.

(b) Board Action

(1) Review of the Major Deviation against the Subdivision Review Criteria

The Board did not review the Six Criteria beyond their discussion and findings with the Staff Report.

(2) Board Decision

The vote was called; the members voted (7-0) to approve the Major Deviation with conditions. (See Attachment I, Hidden View Estates Vote Sheet)

(C) **Centennial Lot 17, AP (K&J Development) Major Subdivision and One Variance Request**

- (i) Staff Report on the Subdivision: **Tristan Riddell** gave a PowerPoint presentation. He gave an overview of the proposal and stated Staff recommended approval of the variance request and the subdivision proposal subject to 11 conditions in the Staff Report. He entered the Staff Report into the record. (See Attachment J, Centennial, Lot 17 Staff Report; Attachment K, Amendment to the Centennial Lot 17 Staff Report; and Attachment L, Letter from Robert & Jeanette Smith)

(ii) Three Minute Rule Waivers

There were none.

(iii) Public Comment on the Subdivision

(a) Persons in Favor

Leonard Shepherd of Shepherd Surveying said that he agreed with the Staff Report and offered to answer questions about the variance request.

(b) Persons Opposed

There were none.

(c) Rebuttal

There was none.

(d) Close: Public Comment

(iv) Board Deliberation on the Variance Request

(a) Board discussion and questions

Les asked the cost of the pedestrian portion of the bridge.

Leonard explained that it would have the same standards as the pedestrian bridge in Corvallis.

Lori said she thought the bridge was a great thing.

Leonard noted that Dave Ohnstad originally recommended denial of the variance, but John Horat and Dave discussed the matter and said that if the applicant constructed a pedestrian bridge, Dave would recommend approval.

Chip said that pro-rata is still assessed for the road and bridge.

Les said there was no way of knowing if the County will use the money for the bridge.

Lori motioned to approve the variance based on new information from the Amendment to the Staff Report.

JR seconded the motion.

(b) Board action

(1) Review of the Variance Request against the Five Criteria

The Board did not review the Five Criteria beyond their discussion and findings with the Staff Report.

(2) Board Decision

The vote was called; the members voted (6-0) to approve the Variance. (See Attachment M, Centennial Lot 17 Variance Vote Sheet)

(v) Board Deliberation on the Subdivision Proposal

(a) Board discussion and questions

Lori motioned to approve the subdivision.

JR seconded the motion.

Ben asked the size of the park.

Leonard noted that it was about the same size as a lot.

Ben asked if there were any trails proposed.

Leonard answered that there is a pedestrian path in the area, but Surprise Ditch will be fenced off so it will lead to a dead end.

Les asked if there were any changes on the internal roads.

Leonard noted that the original proposal accessed off Willow Creek, but it was moved to Centennial Lane because Dave Ohnstad did not want any more accesses.

Chip said it was unreasonable of the Corvallis Sewer District to require \$58,000 for hookups before the lots are even sold.

Leonard noted it was the same principle as contributions to the Fire District.

(b) Board action

(1) Review of Subdivision Proposal against the Six Criteria

The Board did not review the Six Criteria beyond their discussion and findings with the Staff Report.

(2) Board Decision

The vote was called; the members voted (6-0) to approve the Subdivision. (See Attachment N, Centennial Lot 17 Subdivision Vote Sheet)

(D) **East End Lot 1, AP (Kwapy) Major Subdivision**

- (i) Staff Report on the Subdivision Proposal: **Benjamin Howell** gave a PowerPoint presentation. He gave an overview of the proposal and stated Staff recommended approval of the subdivision subject to 11 conditions in the Staff Report. He entered the Staff Report into the record. (See Attachment O, East End Lot 1 Staff Report and Attachment P, Additional Information on East End)

(ii) Three Minute Rule Waiver Requests

There were none.

(iii) Public Comment on the Subdivision

(a) Persons in Favor

Terry Nelson of Applebury Survey said he agrees with the Staff Report, but asked that the fire and school contributions only be required on new lots. He said that in answer to Les' sanitation question from the Plat Evaluation, there is no longer a drain field on Lot 4. He passed out a revised plat. (See Attachment Q, Amended Plat for East End Lot 1, AP)

(b) Persons Opposed

There were none.

(c) Rebuttal

There was none.

(d) Close: Public Comment

(v) Board Deliberation on the Subdivision Proposal

(a) Board discussion and questions

Les asked Terry to explain if the subdivision is using a common septic.

Terry Nelson answered that there will be a septic for Lot 3 on Lot 3 and that an easement no longer exists.

Lori motioned to approve the subdivision based on the conditions in the Staff Report and with contributions of \$250 per new lot to the School District and \$500 per new lot to the Fire Department.

Les seconded the motion.

(b) Board Action

(1) Review of the Subdivision Proposal against the Six Criteria

The Board did not review the Six Criteria beyond their discussion and findings with the Staff Report.

(2) Board Decision

The vote was called; the members voted (6-0) to approve the Subdivision. (See Attachment R, East End Lot 1, AP Vote Sheet)

(E) **Castle Heights (Greer) Minor Subdivision**

- (i) Staff Report on the Subdivision Proposal: **Shaun Morrell** gave a PowerPoint presentation. He gave an overview of the proposal and stated Staff recommended approval of the subdivision subject to 9 conditions. He entered the Staff Report into the record. (See Attachment S, Castle Heights Staff Report, Attachment T, Warranty Deed, and Attachment U, Letter from the Florence-Carlton School District Superintendent)

- (ii) Three Minute Rule Waiver Requests

There were none.

- (iii) Public Comment on the Subdivision

- (a) Persons in Favor

Jake Kammerer of Kammerer Environmental Consulting explained that when the Greers bought this property, the Schneiters asked them for a 60-foot easement on the north of the lot. He stated that there is no indication if there will be a road built in that easement or not. He noted that a no-build/alteration zone is proposed on the road due to the slope and that his clients did not want to pay for a variance. He said that his clients will pave the non-paved portion of Fairview Road to their subdivision and the interior roads and did not want anything to do with a potential road to the north.

- (b) Persons Opposed

There were none.

- (c) Rebuttal

There was none.

- (d) Close: Public Comment

- (vi) Board Deliberation on the Subdivision Proposal

- (a) Board discussion and questions

James noted that Staff recommended that the applicants apply for a variance, because otherwise they are handing the applicants a lawsuit. He explained that the regulations require a no-build/alteration zone on the easement due to the slope.

Ben asked if the Board could recommend an exception to that no-build/alteration zone.

James explained that they could not without a variance request.

Jake Kammerer noted that the easement is in a drainage basin and would require a heavy duty car; if a road was constructed, it would require a huge

drainage and cutting of the slope. He said that his clients do not want to do that. He noted that there is also a legal debate about granting a deeded easement to someone else.

Les said that he visited the property this morning and was appalled by the heavy invasion of knapweed throughout the area. He noted that it is hard to do weed management on that landscape. He asked that the applicant work with the Weed Committee to create a weed control program.

Jake Kammerer said that the former and current Weed Supervisors evaluated their plan and made sure that they went beyond the letter of the law to manage weeds.

Renee noted that a weed plan is a requirement in the County's Subdivision Regulations and is required for final plat.

Jake Kammerer explained that one of his clients is not interested in paying the school donation because he did not believe there would be 1.5 school-aged children per lot. He quoted his client, who said that "If you're telling me that you have to pay it, that's not voluntary; that's extortion." He said he was willing to negotiate a school donation and could probably convince his client to pay \$250 per lot at first conveyance.

Ben recommended a \$300 per lot donation to the School District based on what Aspen Springs has offered, even though it is less than what the school requested. He said \$300 is a pittance because it might buy books for one year for one student.

Chip noted that the last recommended donation to the school district was just \$250.

Ben changed his recommendation to \$250. He noted that he was concerned with the amount of growth in that area, especially with public health and safety issues.

Chip asked whether the Board should strongly recommend that the pro-rata payment be used in the immediate area.

Lori said that the Road Department received enough pro-rata to start working on the roads in that area.

Jake Kammerer said that his client would be willing to donate more money to the School District if Aspen Springs built a K-8 school in the eastern area of Florence.

Ben motioned to approve the subdivision with the stipulation of a \$250 per lot school contribution and \$500 per lot fire district donation to be paid at first conveyance of the lots.

Dale seconded the motion.

(b) Board Action

(1) Review of the Subdivision Proposal against the Six Criteria

The Board did not review the Six Criteria beyond their discussion and findings with the Staff Report.

(2) Board Decision

The vote was called; the members voted (6-0) to approve the Subdivision. (See Attachment V, Castle Heights Vote Sheet)

9. **Close Public Hearing**

10. **Communications from Staff**

There was none.

11. **Communications from Public**

There were none.

12. **Communications from Board**

Ben said he is going to write an email to the County Commissioners stating that interim zoning is a good idea, but he believes that at least from Stevensville north, Eastside Highway should be included. He recommended that the zoning extend from a half-mile west of Highway 93 and a half-mile east of Eastside Highway. He said he sees a lot of potential road problems and noted more discussion is needed. He stated that the report from the University of Montana was nice but did not include enough public participation. He said that he asked the opinion of Bitterrooters for Planning and received an email response from Phil Taylor. He said he agreed with some of what he said. (See Attachment W, Email from Phil Taylor)

Chip asked what the emergency was that would require no activity for up to 2 years.

Ben said that interim zoning would not stop activity because there are still 7,500 empty lots in the County and 5,000 more in the pipe.

Chip said that although there are 7,500 lots in the County, there are not 70 available on the market. He said that prices will go up in the interim.

Ben noted that there are hundreds of real estate signs in eastern Florence.

Lori said she is concerned that landowners are very seldom consulted. She said that 2 people dominated the entire meeting she attended to discuss corridor zoning. She noted she did not want to take away a landowner's rights. She asked what emergency zoning is.

James commented that the term is officially "interim zoning" and the primary requirements include that the County must be pursuing permanent zoning and that the purpose is to classify and regulate uses and matters that constitute an emergency. He said that the County Commissioners want to know if the Board believes there is an emergency.

Lori asked to put the item on the August 16 Board agenda so they can send a recommendation to the County Commissioners.

Ben said that many people in Florence already believe that there is a public health and safety emergency, as they have testified at the Aspen Springs hearings. He said that Florence needs commercial or mixed residential/commercial proposals, not strictly residential proposals on Highway 93.

JR said that he agrees with planning, but noted that the people in Florence voted against extending the sewer system.

Ben said he tried to talk to the Sewer Board and noted that a small set of retired people campaigned against the proposal. He said that if people outside of the area could have voted, the outcome would have been different.

Chip said that as soon as the County draws a circle restricting development, everything will happen right outside of the circle. He noted that in the Growth Policy, the County recommends development close to infrastructure, but these restrictions would send the developer outside the proper zone.

Ben said that the County has to make the circle big enough.

Chip said that his staff relies on him for a paycheck and he does not know how developers can afford a moratorium.

Ben said that there are still 12,000 places to build houses.

JR said that Aspen Springs is in Ravalli County instead of Missoula County because their zoning cut them off. He said that some zoning is needlessly restrictive.

Ryan Salisbury noted that one reason Aspen Springs is located on the eastside of Florence is because the west side of the highway is more developed.

James noted that zoning would not apply in municipalities.

Les said he agrees that property owners have rights, but noted that what landowners do affects all of us in the pocketbook. He said that the County does not recover impacts on health and human services with monster developments. He said that sooner or later the County will be sued for not providing services they are required to provide, which is what he sees as the emergency.

13. New Business

There was none.

14. Old Business

There was none.

15. Next Regularly Scheduled Meeting: August 2, 2006 at 7:00 p.m. - TBA

16. Adjournment: Chip adjourned the meeting at 5:50 p.m.